

Junior Abreu #J201817234  
Essex County Jail  
354 Doremus ave  
Newark, NJ 07105

January 21, 2020

RE: Case # 2:18-CR-00663-KM

Dear MR. William T. Walsh, Court Clerk,

Please I would love for you to Time-stamp, the enclosed letter to my attorney

MR. Peter Carter  
1002 broad street  
Newark, NJ 07102

And please Forward my lawyer, my Judge and U.S ATT in my case and if possible send me a copy for my own Records.

Thank You so much for your Valuable Time.

Sincerely  
Junior Abreu

cc/file

Junior Abreu # J201817234  
Essex County Jail  
354 Doremus ave  
Newark, NJ 07105

January 21, 2020

RE: Case # 2:18-CR-00663-KM

Dear MR. Peter Carter,

I'm writing you this letter to ask did you ever put in the motion to re-argue Honorable Judge Kevin Menulty's decision due to the overlooked facts of our motion... Also I want to argue that my offense level of "20" is incorrect and that my Base offense level should be "14" according to 18 U.S.C. 5 Appx 2K2.1(A)(6) which reads as follow... 14, if the defendant (A) was a prohibited person at the time the defendant committed the instant offense.

In order for me to be designated to a Base offense level of "20" According to U.S.C. 5 Appx 2K2.1 it clearly reads under (4)(A) "20," if the defendant committed any part of the instant offense subsequent to sustaining one felony conviction of either a "Crime of violence" or a "Controlled substance."

MR. Carter, I have Neither a "Crime of violence" NOR a "Controlled substance offense" on my criminal record.

Allow me to start off by pointing out that my conviction of Poss CDS count 2C:35-10A(1) from "2006" does not fall under the "Controlled substance" definition. Also MR. Carter as I explained to you during our last consultation my conviction for "Conspiracy/Assault" 2nd degree, statute "2C:5-2/12-1" is not a crime of violence. Please note that although conspiring to

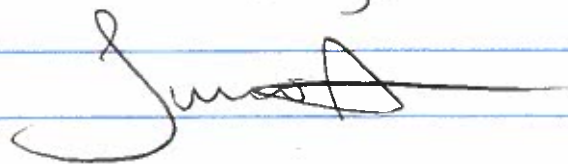


Commit a violent crime increases the risk of harm to another and is purposeful, the conspiracy itself is not a violent or aggressive because the statute does not require an overt act please see (United States v. Whitson, 597 F.3d 1218, 11th circuit 2010).

Since the only Aggravated Assault that can be in the Second Degree is Paragraph 2C:12-1(b)(1) and (b)(6) please look into these cited cases that shows and explain this is not a "crime of violence" (United States v. Garcia-Jimenez, 807 F.3d 1079) Also (Baptiste v. AG United States, 841 F.3d 601) also see these cited cases for the "Residual Clause" being Un-Constitutionally Vague for a "Crime of Violence" (IN RE Blanco, 2017 U.S. App. Lexis 28097) and (Johnson v. United States, 135 S. Ct. 2551)

At this time MR. Carter I ask that you argue that my Base offense level be rightly calculated please, Thank You very much. I would love to hear from you soon

Sincerely,



cc/File

Judge Kevin McNulty

ASS. US Attorney Shawn P. Barnes

Court Clerk

MR. JUNIOR ABREU #J201817234  
354 DOREMUS AVE 4E-1 #211  
NEWARK, NJ 07105



DR DANIELS NJ070

22 JAN 2020 PM 5:1

XRAYED

MR. William T. Walsh  
Court clerk  
50 Walnut Street  
Newark, NJ 07102

07102-357015

